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In conjunction with Legal Aid Center of
Southern Nevada Federal Pro Bono Program

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EVAN RATCLIFF,

Case No.: 2:21-cv-01155-CDS-BNW

Plaintiff,

vs.

STIPULATION TO EXTEND TIME TO
COMPLETE DISCOVERY
(FIRST REQUEST)

CARLOS CALDARONE,

Defendant.

Pursuant to L.R. IA 6-1, the parties, by and through their undersigned counsel of record, hereby stipulate to extend the time for the discovery in this matter. This is the first request for such extension.

I.

CURRENT SCHEDULING ORDER DATES

This matter has not been set for trial.

A. CURRENT DISCOVERY DATES

- Close of Discovery: August 8, 2023
- Final Date to File Motions to Amend
Pleadings or Add Parties May 10, 2023
- Final Dates for Expert Disclosures:
Initial Disclosures June 9, 2023

1	Rebuttal Disclosures	July 10, 2023
2	• Final Date to File Dispositive Motions	September 7, 2023
3	• Pretrial Order:	October 6, 2023

4 **B. NEW PROPOSED DATES**

5	• Close of Discovery:	October 10, 2023
6	• Final Date to File Motions to Amend	
7	Pleadings or Add Parties	May 10, 2023
8	• Final Dates for Expert Disclosures:	

9	Initial Disclosures	August 8, 2023
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10	Rebuttal Disclosures	September 8, 2023
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11	• Final Date to File Dispositive Motions	November 6, 2023
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12	• Pretrial Order	December 5, 2023
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13 **B. DISCOVERY COMPLETED TO DATE**

14 Defendant has served his initial disclosures of witnesses. Plaintiff propounded written
 15 discovery on Defendant on May 4, 2023. Defendant's Responses to Plaintiff's Requests for
 16 Production of Documents were received June 1, 2023. Plaintiff has allowed Defendant extra
 17 time for his Responses to Requests for Admission and Answers to Interrogatories.

18 **C. DISCOVERY TO BE COMPLETED**

19 The parties are in the process of scheduling Defendant's deposition. The parties have
 20 not yet served their Designations of Expert Witnesses, which may include medical/dental
 21 experts. The parties will be deposing experts. The parties will be deposing remaining fact
 22 witnesses.

23 **D. REASONS FOR REQUEST FOR EXTENSION**

24 Plaintiff served a Subpoena Duces Tecum on the Nevada Department of Corrections
 25 ("NDOC") on April 26, 2023. NDOC responded on April 27, 2023, requesting specific
 26 Consents to release NDOC records and an Affidavit of Plaintiff, all of which were to be signed
 27 by the Plaintiff. These documents needed to be mailed to Plaintiff for his signature and
 28 returned to the office of Plaintiff's counsel. Plaintiff's counsel subsequently provided the

1 signed Consents and Affidavit to NDOC on May 11, 2023, and are awaiting NDOC's
2 responsive documents and materials. As such, Plaintiff has not yet served his initial disclosures
3 as he is awaiting NDOC response to Plaintiff's Subpoena. Plaintiff also filed an Amended
4 Civil Rights Complaint on April 26, 2023.

5 In addition as explained above, Plaintiff is awaiting Defendant's Responses to Requests
6 for Admission and Answers to Interrogatories. Upon receipt of this discovery, Plaintiff will be
7 able finalize retention of an expert witness.

8 Finally, the parties are working together to schedule depositions of parties and
9 witnesses, all primarily located in Indian Springs, Nevada.

10 **E. CURRENT TRIAL DATE**

11 Trial in this matter has not been set.

12 **II.**

13 **CONCLUSION**

14 Therefore, based upon the foregoing, the parties respectfully request that this
15 Stipulation and Order to Extend Discovery Deadlines (First Request) be granted and that the
16 Court adopt the proposed dates mentioned above.

17 DATED this 7th day of June, 2023.

18 PYATT SILVESTRI

STATE OF NEVADA, OFFICE OF THE
ATTORNEY GENERAL

19
20 /s/ James P. C. Silvestri
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/s/ Leo T. Hendges
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Attorney for Defendant

27 **ORDER**

28 **IT IS SO ORDERED**

DATED: 7:49 am, June 08, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

ATTESTATION OF CONCURRENCE IN FILING

I hereby attest and certify that on this 7th day of June, 2023, I received concurrence from Defendant's counsel, Leo T. Hendges, to file this document with his electronic signatures attached. I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 7th day of June, 2023.

/s/ James P.C. Silvestri
JAMES P.C. SILVESTRI, NSB #3603